

# **EXHIBIT D**

My name is Dan Marino and this is a combined confession and suicide letter.

For the past seven years I have committed a fraud of a great magnitude. I did this with very good intentions; however in the end it was wrong. Very wrong. My suicide is because I don't want to live it anymore. I don't like myself and I haven't for many years. I have suffered enough at the hands of others. I never wanted to hurt anyone. I tried to save this business from two destructive people and I only served to destroy myself. Before I get into my confession, I am very sorry for the people I hurt, the people I lied to, and the damages I caused. I know this is not helpful to these people and I don't expect you to accept my apology nor give me forgiveness. If there is a hell, I will be there for eternity.

First, the people to blame for this fraud are Sam Israel and to a large extent Jim Marquez. No other employee, consultants, advisors were involved in this. I was successful in hiding all the information that would expose this fraud. If anyone got near anything, I would "brow-beat" them in verbal damage to divert the attention away. I am sorry to say I was successful in this tactics.

Please not hold any employee, any advisor, professionals including the lawyers that I worked with. This includes Steve Oppenheim, David Faust, Matt Marino, David Strawn, Tom Williams, Chuck Lambino, Barry Reiss, etc. They know nothing at all. I was very careful to avoid including them in anything I did in this fraud. The only people who knew were Sam Israel and Jim Marquez.

The fraud started in 1999. But has it's origin in 1998.

In 1998, the firm was in serious trouble. In 1997 it lost money and I was able to convince the auditors at the time, the concept of rebating commissions to the fund was ok and did not need to be disclosed in detail. However, the audit itself too a long time and we created tension with our clients as it was delayed until late April, with a due date of March 31. These events cause the breakdown of the relationship I had with Jim Marques and Sam Israel. They felt that I was the cause of the delay and that they did not want me to work with them anymore. It was agreed that I would leave and that Sam's wife, Janice, who is a CPA, would take over the tasks I performed.

During the year, they however continue to lose money. I merely did the tasks assigned to me while waiting for Janice to come and take over the job. I was always told it would be late November or early December. When December came around, the reality of the situation began to dawn on Jim and Sam that they were in trouble again as they continued to have losses. They were lying to their clients all year long. On the last trading day of the year, we all sat down to discuss the issue and both Jimmy and Sam suggested that I do the audit and cover the losses. The view was that moving the problem into 1999, they will be able to cover the losses thru two ways. One by commissions and two, by profits. The concept is that by raising more funds and trading carefully, they will generate

profits in the normal course of business diverted some to the losses from the prior year and generate commission that could be rebated back to the fund also to cover the prior year's losses. This work under two scenarios. One that they do in fact make profits and two the cost of the operations is kept low and excess commissions are developed.

The reason why this would make sense is based on the past performance of both Jim Marques and Sam Israel; they have both consistently delivered 20 to 40% per annual returns. The view is that they hit a dry patch and this would be over. There was nothing to indicate what would happen in the next number of years. In addition to the profits, the commissions generated by these two would be high also. They have consistently given other brokerage firm millions upon millions of dollars in commission for "views" they found worthless. So with the trading profits and commissions you would be able to solve the problem rather quickly.

The end result, I did the audit, because my so-call friend Jim Marques asked me to and I agreed, foolishly. The report was fraudulent since no work papers could be produced explain anything. We were successful in passing off the audit and the firm, Richmond Fairfield Associates CPA.

I continue this for the next six years ending with the 2004 audit report.

In all years the profit reflected is false. There were no profits as Jim and Sam never produced a positive rate of return. The commissions were never high enough as the costs of the operation keep expanding. This combined with the losses and the fraudulent rate of returns, made the problem twice as big to the point of no return.

I will now attempt to go each year explaining the events and how could I have continue this for so long.

So far I have explained the background on how this got started and the basis of what had occurred. I will subdivide each year accordingly.

#### 1999

I started audit process for 1998 in February 1999; all I did was send out audit confirmation letters on Richmond Fairfield Stationary to the investors and brokerages houses. I keep these records. I then created a fraudulent financial statement and produced the report that was distributed to investors. Whenever an investor inquired about the firm, I was able to speak with them or see them. At the time none of the investors knew me and none knew I did work for Bayou. Thus to complete this process was easy.

Doing the year I was diagnosed with Hodgkin's. I was diagnosed in June and began treatment in July which continues to December. This was chemo.

Beginning in January, of 2000 I started radiation treatment for a period of three months. Also during this same time, my mother was diagnosed with terminal cancer and passed away on January 1, 200. I was the primary caregiver during this period of time.

During this period of time I was always available to help run the business and did not keep in complete touch as the daily p/l computation.

Nevertheless they had sustained losses yet again. This forced me to continue the charade another year. At this point I demanded that Jimmy and Sam deal with this problem in the following year as I did not want to continue like this anymore.

#### 2000

This year began on such a terrible note. First, my mom died on January 1 and second I had to do the fraudulent report again. By the time I was truly back in the daily operations of Bayou, the partners were continuing to struggle, sometime making money and sometime losing money. The arguments among Jim, Sam and I were constant, yet I continue to do what was done. Jimmy began to threaten me both verbally and physically. Sam began to within a month after Jimmy started. When I think back now, it's all a daze. I wanted to end it so and I struggled everyday hoping we could deal with this. But the year went by and the same results occurred. Now the prospect of the "audit" was becoming a commonplace thing. Also at the close of the year Sam decided that Jimmy must go in order to truly raise money as his reputation was holding us back. I debated this with Sam for hours and days. While I agree with the assessment of raising money, I wondered whether Sam could truly trade and handle all the pressure himself.

#### 2001

The years at this point all look the same. The only thing I can add is some specific events of each year to highlight the issue. For 2001, Jimmy was thrown out, but we let him trade the account for a period of 7 months till it was decided that Jimmy could not make any money at all. During this year Sam's behavior started to become more erratic. While we were making progress of raising money, the performance still was not good at all. At some point, I don't remember, there was positive performance, but the reported numbers exceeded it. We had to show the 1 to 2 percent net per month as that was our goal. To report any bad numbers would cause the thing to collapse. The earning on trades is what gave me hope that we would turn it around. I truly thought that 2001 into 2002, we would get rid of the problem. It was manageable, we were raising money and we were gaining traction in trading. Even with the positive, Jimmy and Sam continue to threaten me. Sam at some point would try and beat me up. Once in the office as witnessed by the employee, all the other times, he would slap me around at night at my apartment.

2002

This year was the start of the decline. Sam's back was hurting so much, that he was on a regiment of pills including prescribed meds for his insanity. I never knew what meds he was on. His wife was controlling what he was taking and it was clear as the year went on, he was becoming more and more unstable. The threats at this point started with the presentation of a gun at me. I should have ended it there, but I truly thought I could control the situation. I was for the most part in a daze and just went thru the motions. At this point Jimmy was totally gone. the deal with Jimmy was we bought 3.8 million dollars of a stock called KFX and never truly disclosed the long term position on the financials. The hope that this stock would go from 3/per share to 7 or 8/per share shortly was out hope. the share were eventually sold in 2004, late, at an average price of 16/per share. the total gain solved the initial loss more than twice, but my 2004, it had no impact. So Jimmy was right in the beginning of 2002, but wrong in the time frame, as usual.

2003

Sam checked to completely. Between his back operations, drug addiction due to the pain, it was hopeless. I did whatever I could to keep it alive in hopes that Sam would recover and be able to get back in the games. By this year it was all a blur. Nevertheless, it continue, this fraud.

2004

This year started out great. Sam was back in the saddle. He was coming in every day, trading SUCCESSFULLY! We ended the first quarter with a gain which was reported and it was real. I had so much hope for this. At this point the story takes a different turn. Sam went to see someone in Europe that would be able to secure something we needed for the investment on KYCOS. It would help the company tremendously. The man Sam went to meet was Bob Nichols, an ex CIA operative. He claims he could get us the latest in the technology for fingerprint scanning from the government. This would have help "made" KYCOS. While this discussion was going on, Bob learned what Sam actually did for a living, which was a money manager. Bob then told him about a "program" that is operated by the government and very wealthy people in the world. The program is designed to create "monies" in the monetary system. The program makes 100% per week and the requirement are (1) no-one is to know about this, (2) 70% of the ROR for the week is pledged toward charity programs approved by the UN, (3) the balance is yours to keep, all subject to taxes. While this may appear to be a fraud, Sam believed otherwise. The program is supposed to work as follow: your money is kept in an account under your names. No-one has any rights to it. It's merely "blocked" for lack of a word and used to create this trading in medium term notes. All this is displayed on the screens of various financial institutions. I found this to be all insane, but Sam wanted to pursue it. It felt that it was the only

way out of the mess and if we pledged 100 million, we can be out of this mess within 12 weeks. Well I went along with this after I asked a number of questions. As long as the money was under our control and not subject to any depletion, it was worth a try. Well, the first attempt, Sam needed to wire the money to a company called Humanitarian Group in London. This caused Citibank to question the transaction and I believed caused us to be thrown out of the bank. Sam claims it was because we told the bank branch manager about the program and upper management which know of the program and did not want us to expose it. Anyway the trading did not commence for some reason which I was never given a clear answer to. The next step was Post Bank in Germany with a man named Ingo Paathe, I think this is his spelling. Well that turned into a fiasco as the monies were almost stolen and seized by the government. Sam was able to get it released; I don't have the details on this as I was left in the dark. Beside whatever Sam told me, at this point I considered a lie. After this Sam attempted to "broker" his own deal and that failed to.....

#### 2005

..... (The year simply "ran" into each other)..... The next step was with ODL Securities in London, Again this was a Bob Nichols contact and he assured us that it was real. Sam claimed he signed contracts and so forth, but I have never seen them. Well, this never got off the ground and the next stop was with a man named Lew Maloof. This gentleman Sam said to me was referred to us from Alan Greenspan of the Fed. Reserve. I had no way of confirming this. All I knew at this point I had no choice to continue this journey and see if it works. At this point, all of the money was still there. None was lost in any of these stops and the overall cost including legal and travel were around 300,000. Not much at all. Well Lew Maloof destroyed us completely. The monies were sent to a firm called Majestic Capital Management which later determined from what I seen, was trying to steal the money. Nevertheless, because of their lies to the bank, the bank suspected fraud and alerted the Arizona AG. Why Arizona, I don't know. So at this point 100 million is at the Arizona AG account. With the monies seized and no way to get it back, the end was near. And it finally ended in July of this year.

Please investigate all these things and follow the money trail. You should be able to determine whether this was all another fraud or it's real and the world does not know about it. I am sure you will be able to convict a number of people including Bob Nichols and Lew Maloof.

The rest I can only talk about as the details are so overwhelming, I can't think straight anymore. I am sorry I am not available to clear all this up. I hope that after all is said and done, with the private investments we made, that all the investors will get their money back including the false pfi that has been shown all these years. If not, I am sorry and I have destroyed myself for the punishment.



Please don't blame any employees. Like I said at the beginning, they only did what I told them to do. They had no knowledge of the fraud or the understanding of it. I am sure they suspected something, but they were not in the position to do anything. If they attempted I would be able to make their lives very difficult whether at Bayou or elsewhere. I was prepared to "bad-mouth" them if they left and files a complaint that expose anything. And I know they knew that.

To the employees that I did this to, I am very sorry. It was not my true personality at all. I am a kind and giving person. I had to do it in order to cover everything and get the problem solved. If I was successful, everyone would have jobs and I would have done things to help their careers. I don't expect forgiveness from you.

The cause of all this, lies with Jim Marquez at the beginning and Sam Israel at the end. They both lied to me and never let their job at all. They brow beat me into submission and I in turn did the same to the employees and anyone else who came to close. I know I am a terrible human being for this. I should have never done this to save Jim and Sam life. They only destroyed mine.

I am sorry for the destruction I cause anyone. I know God will have no mercy on my soul.

Dan Marino  
August 15<sup>th</sup>

Witness to signature \_\_\_\_\_  
Date of signature \_\_\_\_\_